

# DEPARTMENT OF EMPLOYEE RELATIONS



1997

## ***Grievance Procedure for Management and Nonrepresented City Employees***

### — Summary —

Grievance Procedure for employees who are not members of certified bargaining units holding contracts with the City.

### Description

This procedure is designed to apply to employees who are not members of certified bargaining units holding contracts with the City. It does not apply to personnel employed by the Fire and Police Departments who are responsible to the Fire and Police Commission and operate under rules and regulations set up by that body and by their respective departments. Proper subjects to be handled by this procedure include terms and conditions of employment. Exceptions to this procedure are requests of individuals and groups regarding changes in:

1. Salaries and wages
2. Fringe benefits
3. Overtime and overtime allowances
4. Position classification
5. Employment status (discharge, suspension, reduction)

The employee may choose someone to represent him/her at any step in the procedure. However, no person hearing a case need recognize more than two representatives at any one time unless he so desires. If the employee desires an employee of the City to represent him/her, that employee will have to receive permission to be excused from his/her regular duties and would be acting on his/her own time.

An employee who wishes to file a grievance must do so within five working days following the action or occurrence which gives rise to the issue to be grieved.

### STEP 1

- a) The employee and/or his/her representative will present his/her grievance orally to the employee's immediate supervisor.

- b) The supervisor will answer the grievance orally within five working days.

#### STEP 2

- a) If the employee and/or his/her representative is dissatisfied with the supervisor's answer, he/she may proceed by reducing the grievance to writing and submitting it to his/her immediate supervisor within five working days.
- b) The supervisor will answer the grievance in writing within two working days of its receipt.

#### STEP 3

- a) An employee and/or his/her representative wishing to pursue a grievance will, within ten working days, present it to his/her bureau or division head.
- b) The bureau or division head will prepare an answer to the grievance and present it to the employee within ten working days of its receipt. The answer may adopt the answer given at the previous step without repeating it; may amend or modify it; or grant the plea of the grievance.

#### STEP 4

- a) If the grievance has not been settled at the third step, the employee and/or his/her representative may submit an appeal within ten working days to his/her department head.
- b) The department head will present his/her answer to the employee within ten working days of its receipt. The answer may adopt the answer given at the previous step without repeating it; may amend or modify it; or grant the plea of the grievance.

#### STEP 5

If a grievance has not been resolved at the fourth step, it may be appealed to the City Service Commission. The appeal must be submitted by the employee and/or his/her representative within thirty working days of the fourth step disposition. This appeal must contain a complete statement of the facts of the grievance and its processing to date. Upon receipt of the grievance, the Commission, after reviewing the facts, shall have the option to:

- a) Affirm the disposition submitted by the department head at the fourth step;
- b) Return the grievance to the department head for further study and clarification;
- c) Order a hearing on the matter.

If the Commission affirms the disposition of the department head, there shall be no further appeal. If the Commission returns the grievance to the department head for further study and clarification, the department head shall resubmit the grievance to the Commission within ten working days. If the Commission decides that a hearing is in order, it may:

- a) Hear the grievance;
- b) Designate one or more Commission members to hear the grievance.
- c) Designate the Employee Relations Director to hear the grievance and report his/her findings to the Commission.

The Hearing Officer (or Officers) shall render a decision in writing within thirty days of the hearing. If a hearing has been conducted by other than the Commission, either party may, within fifteen days of its receipt of the decision, request a review by the Commission. This review, if granted, will be held in absentia. A Commission award may be retroactive up to thirty days prior to the formal initiation of the grievance.

All grievance initiations, dispositions and appeals will utilize the appropriate forms provided by the City. Distribution will be as follows:

Initiation and Appeal Forms:

- Original - Department
- 3 copies - City Service Commission
- 1 copy - Employee

Disposition Forms:

- Original - Employee
- 3 copies - City Service Commission
- 1 copy - Department
- 1 copy - Employee representative

Any grievance having been answered and not appealed to the next step within the allotted time shall be considered resolved as of the previous disposition. Time limits for any step in the procedure may be extended by agreement of the parties.